



Attorney Docket: 060258-0274354
Client Reference: 2980169US/HS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: HAUMONT Confirmation Number: 2636

ET AL.

Application No.: 09/700,186

Group Art Unit: 2684

Filed: November 13, 2000

Examiner: Gesesse, Tilahun

Title: METHOD SYSTEM AND A NETWORK ELEMENT FOR CONTROLLING POINT-TO-MULTIPOINT TRANSMISSION IN A MOBILE COMMUNICATION SYSTEM (AS AMENDED)

REQUEST FOR RECONSIDERATION

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUG 18 2004

Technology Center 2600

Sir:

In response to the Office Action dated July 9, 2004, please reconsider the patentability of the presently pending claims based on the following remarks.

As a preliminary matter, Applicants acknowledge the recognition that claim 7 includes allowable subject matter; however, Applicants delay rewriting that claim in independent format so that the Office can fully reconsider the patentability of the rejected base claims.

The Office Action rejected claims 1-2, 4, 11-12, 14-17 under 35 U.S.C. 102(e) as being anticipated by Cropper (U.S. 5,819,178) and rejected claims 3-6, 9-10 and 13 under 35 U.S.C. 103(a) as being unpatentable over Cropper in view of Osawa (U.S. 5,473,642). Applicants traverse the rejections because no combination of the cited prior art teaches or suggests all the features recited in the rejected claims.

For example, Cropper and Osawa, analyzed individually or in combination, fail to disclose, teach or suggest a method for controlling a point-to-multipoint transmission of a message in a mobile communication system, the method comprising "**receiving the message, storing the message** in a buffer of the messages to be transmitted, **scheduling the message, transmitting the message** located in the buffer **according to the predetermined scheduling**, determining a life time for the message, and **deleting the message from the**

buffer in response to the expiry of the life time,” as recited in independent claim 1 and its dependent claims 2-10.

Further, the combined teachings of Cropper and Osawa fail to disclose, teach or suggest a mobile communication system comprising at least one service centre to transmit a message as a point-to-multipoint transmission and at least one network element via which the message is transmitted to cells belonging to a destination area, “wherein the service centre is arranged to **determine the remaining life time of the message and to check before transmitting the message, whether there is life time left and to transmit the message only if there is still life time left,**” as recited in independent claim 11 and its dependent claims 12-13.

Similarly, the combined teachings of Cropper and Osawa fail to disclose, teach or suggest a network element of a mobile communication network which network supports the point-to-multipoint transmission of a message, “wherein the network element comprises means for **determining the remaining life time of a message to be transmitted point-to-multipoint, and means for transmitting said message according to the scheduling of the message if there is still time left,**” as recited in independent claim 14 and its dependent claims 15-17.

Cropper merely presents a solution aimed at improving roaming between two wireless networks. In Cropper, the availability of subscriber information in the visited network is increased by including an identifier in the registration request, and providing an Intersystem Roaming Database where an address corresponding to that identifier may be retrieved when conventional requests to Home Location Register (HLR) and Visiting Location Register (VLR) of the visited network are unsuccessful.

Cropper’s Subscriber Data Registration Request Fails to Correspond to the Claimed Point-to-Multipoint Messages

At the bottom of page 2 of the Office Action, it appears to assert that there is some correspondence between point-to-multi messages (within the claimed invention) and subscriber data registration requests (as illustrated in Figures 3A-3C, column 5, lines 3-11, and lines 25-35). However, assuming for argument’s sake that such a relation could be made, Cropper fails to disclose, teach or suggest receiving a message for point-to-multipoint transmission and storing the message in a buffer of the messages to be transmitted. Cropper clearly teaches that a registration request is a signaling message that is not stored in any of the subscriber data registers as a message to be transmitted.

Therefore, Cropper fails to disclose, teach or suggest scheduling the message or transmitting the message according to the predetermined scheduling (independent claim 1). Subscriber data registration requests are initiated by the mobile station according to the movement of the mobile subscriber, not according to a predetermined scheduling.

Additionally, Cropper fails to disclose, teach or suggest determination of a life time for the message (independent claim 1) or the remaining life time of a message (independent claims 11 and 14) and deletion of the message from the buffer in response to the expiration of the life time (independent claim 1). As explained in Cropper, the subscriber data timer of column 5, lines 25-35 is initiated at the time of broadcasting a subscriber data request and measures the time allowed for finding the subscriber data for the roaming subscriber data. Upon expiration of this timer, a registration request is refused (column 5, lines 66-67). Because Cropper fails to teach or suggest storing the subscriber data request in any buffer, Cropper also fails to teach or suggest deletion of such a subscriber data request at the expiration of the subscriber data timer.

Additionally, Cropper fails to disclose, teach or suggest transmission of a message only if there is life time left (as recited in independent claims 1) or transmission of the message according to the scheduling of the message if there is still time left (as recited in independent claim 14).

Therefore, Cropper fails to disclose, teach or suggest the present invention for control of the transmission of a message to be transmitted point-to-multipoint in a mobile communication system that ensures that a point-to-multipoint message is transmitted only as long as it is up-to-date by assigning it a precise life time, and once the life time expires, the message is deleted from the transmission buffer.

Cropper's Subscriber Data Fails to Correspond to the Claimed Point-to-Multipoint Messages

The Office Action, at the top of page 3, appears also to attempt to assert that the claimed point-to-multipoint messages also corresponds to the subscriber data of wireless network (column 5, lines 56-62, column 6, lines 17-35). Following this interpretation, Cropper fails to disclose, teach or suggest receiving a message for point-to-multipoint transmission and storing the point-to-multipoint message in a buffer of the point-to-multipoint messages to be transmitted. Therefore, in Cropper, subscriber data is clearly not received in the visited network for point-to-multipoint transmission. Furthermore, subscriber data is a cluster of data elements, not an entity that allows time-related control by storing in

the buffer to be used as such for later forwarding and/or successive transmissions; therefore, Cropper fails to teach or suggest storage of the point-to-multipoint message in a buffer.

Furthermore, Cropper fails to disclose, teach or suggest scheduling the message or transmitting the message according to a predetermined scheduling. Subscriber data in the VLR of the visited network is accessed through requests from a querying network element, not according to any predetermined schedule (as recited in independent claims 1 and 14).

Additionally, Cropper fails to disclose, teach or suggest determining a life time for a point-to-multipoint message or deleting the point-to-multipoint message from the buffer in response to the expiry of the life time. The regular interval for flushing the subscriber data from the VLR of the Intersystem Roaming Database (column 6, lines 17-35, and Figure 3C) controls the operations related to the network element, not the lifetime for individual messages.

Office Action Cannot Assert that Claimed Point-to-Multipoint Messages Correspond to Both the Subscriber Data Registration Requests and the Subscriber Data Itself

Further, Applicants assert that the claimed point-to-multipoint messages do not correspond to either the subscriber data registration request (for the reasons noted above) or the subscriber data of the wireless network (for the reasons explained above); **moreover, it is clear that the Office Action cannot successfully argue that the claimed point-to-multipoint messages correspond to both the subscriber data registration request and the subscriber data of the wireless network.** Clarification of the Office's interpretation of Cropper must be provided if the rejection is to be maintained.

Therefore, Cropper fails to teach how control scheduled transmission of a point-to-multipoint messages in such a manner that the validity of individual messages can be improved. On the contrary, according to the teaching of Cropper, messages would either not be stored at all, or would be stored and sent only in response to requests from a querying network element. Based on the teachings of Cropper, neither the sender nor the receiver could have any control or information over the expected validity of the messages.

Osawa fails to remedy these deficiencies of Cropper because Osawa merely discloses particulars of a message acknowledgement procedure.

Therefore, the combined teachings of Cropper and Osawa fail to disclose, teach or suggest the claimed method for controlling a point-to-multipoint transmission of claims 1-10, claimed mobile communication system of claims 11-13 or claimed network element of claims 14-17.

All objections and rejections having been addressed, Applicant requests issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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